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## **IC Prepublication Terms of Reference for Referrals**

### **I. (U) REFERENCES AND AUTHORITIES:**

- A. The National Security Act of 1947, as amended
- B. 50 USC 3024
- C. 50 USC 424
- D. National Security Agency Act of 1959, as amended
- E. CIA Act of 1949, as amended
- F. Executive Order 12333, as amended
- G. Executive Order 13526

### **II. (U) PURPOSE**

The purpose of this agreement is to establish a cooperative relationship among parties to work together for the referral of agency equity discovered during pre-publication review of submissions intended for public use. This agreement describes the scope of collaboration, mutual responsibilities and agreed-upon processes to be followed for the referral of another agency's equities as part of pre-publication review. This Agreement does not supersede agreements between agencies, current or future authorities granted to agencies and elements of the Intelligence Community (IC).

### **III. (U) BACKGROUND**

Agencies frequently receive pre-publication review submissions for public use that contain the equities of more than one agency. While informal and undocumented processes have been used to govern the protection of other agency equities, a consensus has emerged over time that recognizes the need to formalize and standardize the pre-publication referral process.

### **IV. (U) IMPLEMENTATION AND RESPONSIBILITIES**

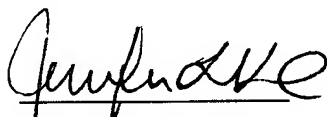
- A. All agencies agree to cooperate in protecting the equities of other agencies as part of the pre-publication review process. When conducting pre-publication review, all agencies will identify and refer equities that are owned, managed or otherwise the responsibility of another IC agency. The originating agency will evaluate the equities in a submission and decide if a referral is necessary. Equities that are part of a previous official acknowledgement by the equity-holding agency may not need to be referred; however, if there is any doubt, the equities will be referred. The originating agency will not give the requestor permission to publicly use the information until a determination by the equity owner has been made. The originating agency will coordinate all input from other agencies and consolidate it into a single, comprehensive response to the requestor.

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- B. When an agency receives a referral, it will strive to respond to the referring agency within the timeframe identified by the referring agency. If this timeline is not attainable because of complexity, size, or operational tempo, it will notify the originating agency as soon as possible before the deadline for a response passes.
- C. All agencies agree to provide a written acknowledgment of receipt to the originating agency within two business days upon receipt of the referral.
- D. All agencies agree to establish and identify to other agencies a single point of entry for pre-publication review referrals. In addition, all agencies agree to provide updates or changes to their pre-publication referral coordination process. Agencies should not utilize an individual POC or named individual in order to minimize disruption to the process.
- E. All agencies agree to use the Joint Worldwide Intelligence Communications System (JWICS) as the standard pre-publication referral medium. Use of JWICS will protect referrals from unauthorized disclosure when they are transmitted to equity-owning agencies, when responses are communicated by those agencies, and until the pre-publication review process is complete. If referrals must be transmitted on another network, the originating agency must ensure the level of classification is appropriate before transmitting.
- F. Agencies agree to use clear language when providing the originating agency a response. Responses should clearly indicate what equities may be used publicly, what modifications are required prior to public use, and what equities are to remain protected. It is the responsibility of the originating agency to fully understand any restrictions or redactions before a response is given to the requestor.

V. (U//~~FOUO~~) This Agreement goes into effect as of 1 September 2015 with completion of signatures below:



Jennifer L. Hudson  
Director, IMD  
ODNI

(b)(6)

Joseph W. Lambert  
Director, IMS  
CIA

(b)(6)

Caleb L. Temple  
Director, OCC  
DIA

(b)(6)

Director, OCC  
NGA



Stephen R. Glenn  
Chief, IMSO  
NRO

(b)(3) NatSecAct

NSA

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